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# Public Notice

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**Applicant:**  
Gregory A. Thomas

**Date:**  
**Published:**  
**Expires:**

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**U.S. Army Corps  
of Engineers**

**In Reply Refer To:**

**Buffalo District CELRB-CO-R RE: 2000-00624(0) Section: OH 10 and 404**

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**Application for Permit under Authority of  
Section 10 of the Rivers and Harbors Act of 1899 and  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Mr. Gregory A. Thomas, 14470 Aquila Road, Burton, Ohio, 44021, has requested a Department of the Army permit to construct a steel frame T-pier with his eastern neighbor, Mr. Lee Betzenheimer, in Lake Erie, located at 333 West Lake Shore Drive, in the Village of Kelley's Island, Erie County, Ohio.

The project consists of the following:

- a. The pier will consist of a 110 foot long section aligned perpendicular to the shoreline and a 160 foot long shore-parallel section, with 85 feet of the latter section located on the Thomas property. Both sections will consist of 10 foot long by 12 foot wide open steel crib sections, for a total of 11 sections on the main pier and 16 sections on the T-pier. Both piers will be capped with a 12-inch thick reinforced concrete slab with a top elevation of 578.0 feet International Great Lakes Datum (IGLD), 1985. The steel uprights will be either driven to bedrock or set in drilled holes. The cribs will be filled with 1.0-2.0 stone. See sheets 3-5 of 5 for details.
- b. An earth and rubble access ramp will be constructed from the top of the existing embankment (approximate elevation 587 feet IGLD, 1985) to the landward end of the pier. The ramp slopes will be protected with a graded 2-foot thick layer of riprap (6 inches to 18 inches nominal size) underlain by a geotextile filter. The ramp will be approximately 52 feet wide at the base and 50 feet long when measured from the top of the existing bank to the landward end of the pier. See sheet 5 of 5 for details.
- c. Approximately 305 gross cubic yards of 1.0-2.0 stone and steel framing and 75 gross cubic yards of clean soil, rubble, and riprap will be placed below the ordinary high water elevation of 573.4 feet IGLD, 1985. The purpose of the T-pier is to provide access to Lake Erie for recreational boating and to provide wave sheltering.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Elizabeth W. Stone, who can be contacted by calling (716) 879-4363, or by e-mail at: Elizabeth.W.Stone@usace.army.mil

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Mr. Don Povolny  
Ohio Department of Natural Resources  
Division of Real Estate and Land Management  
1952 Belcher Drive, Building C-4  
Columbus, Ohio 43224-1386  
Telephone (614) 265-6649  
FAX (614) 267-2981  
e-mail: don.povolny@dnr.state.oh.us

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Elizabeth W. Stone, or by e-mail at: Elizabeth.W.Stone@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may

be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.